

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 15-2792

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellants

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants - Appellees

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants

American Association of Retired Persons

Amicus on Behalf of Appellant(s)

Securities Industry and Financial Markets Association

Amicus on Behalf of Appellee(s)

No: 16-1127

Ronald C. Tussey; Charles E. Fisher; Timothy Pinnell

Plaintiffs - Appellees

v.

ABB, Inc.; John W. Cutler, Jr.; Pension Review Committee of ABB, Inc.; Pension & Thrift Management Group of ABB, Inc.; Employee Benefits Committee of ABB, Inc.

Defendants - Appellants

Fidelity Management Trust Company; Fidelity Management & Research Company

Defendants

JUDGMENT

Before RILEY, Chief Judge, MURPHY and SMITH, Circuit Judges.

These appeals from the United States District Court were submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court and the award of attorney fees and costs are vacated and the cause is remanded to the district court for proceedings consistent with the opinion of this court.

March 09, 2017

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans